

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

RAMIRO CALDERON,

Plaintiff,

vs.

CONAGRA BRANDS INC.,

Defendant.

8:22CV231

ORDER

[Federal Rule of Civil Procedure 4\(m\)](#) provides, “If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” [Fed. R. Civ. P. 4\(m\)](#).

Plaintiff filed the Complaint on June 27, 2022, ([Filing No. 1](#)), and sought leave to proceed in forma pauperis ([Filing No. 2](#)). On July 15, 2022, the Court denied Plaintiff’s motion to proceed in forma pauperis and directed Plaintiff to pay the required filing fee. ([Filing No. 5](#)). Plaintiff paid the filing fee as ordered. (Filing No. 6). However, more than 90 days has elapsed since the Complaint was filed, and to date, Plaintiff has not requested summons nor filed any return of service indicating service on the defendant, a waiver of service has not been filed, the defendant has not entered a voluntary appearance, and Plaintiff has not requested an extension of time to complete service. Although Plaintiff is proceeding pro se, he must nevertheless comply with local rules, court orders, and the Federal Rules of Civil Procedure. See [Ackra Direct Mktg. Corp. v. Fingerhut Corp.](#), 86 F.3d 852, 856 (8th Cir. 1996) (“In general, *pro se* representation does not excuse a party from complying with a court’s orders and with the Federal Rules of Civil Procedure.”); [Bennett v. Dr Pepper/Seven Up, Inc.](#), 295 F.3d 805, 808 (8th Cir. 2002) (a litigant’s “*pro se* status d[oes] not entitle him to disregard the Federal Rules of Civil Procedure[.]”). Under the circumstances, on the Court’s own motion, Plaintiff is granted an extension of time until **December 16, 2022**, to complete service of process. See Fed. R. Civ. P. 4(m). Accordingly,

IT IS ORDERED: Plaintiff is granted an extension of time until **December 16, 2022**, to complete service of process. The failure to timely comply with this order may result in dismissal of this case pursuant to Federal Rule of Civil Procedure 4(m) without further notice.

Dated this 14th day of October, 2022.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge